



GEORGE E. PATAKI  
GOVERNOR

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ALBANY, NEW YORK 12233-1010

JOHN P. CAHILL  
COMMISSIONER

Major General Stephen Rhodes  
Commander  
U.S. Army Corps of Engineers  
North Atlantic Division  
Fort Hamilton Military Community  
Brooklyn, NY 11252-7600

**FEB 21 2001**

Dear General Rhodes:

On November 8, 2000, Department staff met with U.S. Army Corps of Engineers (USACE) representatives at USACE offices in Buffalo, New York. Our respective staffs discussed the status of remedial investigations and progress on interim removal actions at the former Lake Ontario Ordnance Works in the Town of Porter, Niagara County.

During the discussion, Mary Kay O'Mara, Project Manager for the USACE Buffalo District, stated that inadequate funds were approved (\$500,000) for federal fiscal year 2001 (FFY01) by the USACE to complete the remedial investigation or the interim removal actions currently in the design phase [Area A (buried drum trench) and Area B (former bum pit)] or recently evaluated as part of an engineering evaluation/cost analysis for Area C anticipated for the 2001 construction season.

In addition, during the Restoration Advisory Board meeting of November 15, 2000, USACE representatives indicated that funding had not been approved for the demolition of unsafe structures associated with former Federal Government ownership located on property owned by the Town of Lewiston. On the Department of Defense (DOD) Environmental Restoration Program-Formerly Utilized Defense Sites fact sheet, it is stated as a goal of the program:

"Demolition and removal of unsafe buildings, and structures, located on formerly owned Defense properties that are currently owned by a state or municipality."

The New York State Department of Environmental Conservation (NYSDEC) finds both the lack of sufficient funding and the continuing delays in the remediation of contamination related to Federal Government's use of the property unacceptable.

DOD responsibility for contamination at the areas which are subject to the interim removal actions has been known and acknowledged since the mid-1940's. In 1987, DOD conducted additional investigations under the DOD Environmental Restoration Program, and completed a feasibility study of remedial options in September 1990. NYSDEC approved the remedial concept in January 1992. Past DOD actions have already resulted in over eight years of delays in both the completion of a thorough investigation and the implementation of a necessary remedial program at this site.

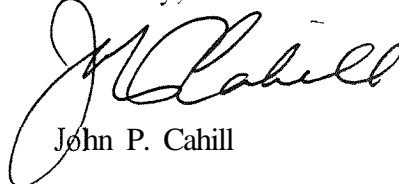
Continued federal postponement of the remedial action at this site has resulted in an estimated cost escalation from approximately \$8.5 million (Acres International, Inc., 1990) to \$9.5 million (Acres International, Inc., 1995). Further federal delays in site remedial actions will not only result in additional costs but, most importantly, increase the risk for release of additional contaminants and further adverse impacts to the environment.

For the above reasons, I strongly urge you to take steps to ensure sufficient funding be allocated for FFY01 for: 1) the implementation of interim removal actions at Areas A and B; 2) design for interim removal actions at Area C; 3) completion of the remedial investigation; and 4) demolition of unsafe structures on Town of Lewiston property. The Department stands ready to work with you in whatever way we can to make this happen.

In closing, we look forward to working with the USACE on this important environmental restoration program, and I thank you in advance for a response to this urgent issue.

If you have any questions, please contact Stephen Hammond, Director of our Division of Solid & Hazardous Materials, at (5 18) 457-6934.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Cahill". The signature is fluid and cursive, with a large initial "J" and "C".

John P. Cahill

cc: Senator Schumer  
Senator Clinton  
Congressman LaFalce  
G. Brooks, USACE-LRB  
Restoration Advisory Board  
G. Mikol, NYSDEC Reg. 9  
D. Carpenter, USEPA Region II